IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
APPEAL (L) NO.300 OF 2007
IN
SUIT NO.1303 OF 1988

Gupta Investments & Construction
Pvt.Ltd. ..Appellant
Vs.
Arcadia Premises Co.op.Soc.Ltd. ..Respondent

Mr.K.K.Shroff i/b.Dhru & Co. for the Appellant.
Mr.A.H.Punwani for the Respondent.

CORAM :- DR.S.RADHAKRISHNAN &
V.C.DAGA, JJ.
DATE : 30TH APRIL, 2007

P.C.

1. Heard the learned Counsel for the parties. The learned Counsel for the Appellant brought to our notice the praecipe dated 05/02/2007, wherein in fact there is a clear endorsement by the learned Advocate for the Plaintiff that the Written Statement can be taken on record. The learned Counsel for the Appellant also brought to our notice that the said Written Statement has not been taken on record by the learned Single Judge, while passing the impugned order dated 06/02/2007. It appears that the same escaped the attention of the learned Single Judge, as there is no reference in the said impugned order. Under these circumstances, the learned Counsel for the Appellant seeks leave to withdraw the above Appeal to approach the learned Single Judge, with the liberty to move a Review Petition. Accordingly, the Appeal is allowed to be withdrawn and dismissed as such with the aforesaid liberty.

(V.C.DAGA,J.) **(DR.S.RADHAKRISHNAN,J.)**